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# CONSTITUTION OR POPE

BY

GILBERT O. NATIONS

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# CONSTITUTION OR POPE?

**Why Alien Roman Catholics  
Can Not Be Legally Naturalized**

BY  
**GILBERT O. NATIONS**



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## Preface

In briefing the case against the naturalization of foreign-born Roman Catholics who seek to become citizens of the United States, Judge Nations has established his contentions so completely, and has stated his argument in language so chaste and forceful, and yet so simple, that not only will lawyers and jurists be able to follow him, but every unprejudiced citizen who can read must concur in his logical conclusions.

In the following pages he has proved by the Constitution and statutory law of the United States, and the established code of international law, the following fundamental and conclusive propositions:

**I. That exclusive power to regulate the naturalization of aliens is vested absolutely in Congress.**

**II. That the law enacted by Congress compels every applicant for citizenship to renounce absolutely and forever, *by three distinct oaths*, all allegiance to EVERY FOREIGN PRINCE, POTENTATE, STATE AND SOVEREIGNTY.**

**III. That the POPE IS A FOREIGN PRINCE, POTENTATE AND SOVEREIGN, AND IS SO RECOGNIZED BY THE UNITED STATES GOVERNMENT AND BY THE OTHER NATIONS; that he maintains diplomatic representatives at all national capitals, including our own, and the other governments have diplomatic representatives at the Vatican; that he makes treaties and exercises the general powers of a sovereign; that he has precipitated the bloodiest wars in history, and has crowned and uncrowned the greatest monarchs of medieval and modern times.**

**IV. That all Roman Catholics are his subjects, and owe and yield to him an ALLEGIANCE WHICH ABSOLUTELY BARS ANY JUST AND LEGAL RIGHT TO AMERICAN CITIZENSHIP.**

## **I.**

### **MILLIONS OF ROMAN CATHOLICS COMING**

Is the Pope really making America Roman Catholic? Is he now deliberately pouring the degraded hordes of south-eastern Europe into this country for that purpose?

Look at the facts: During the last ten years five millions of Roman Catholics have come to the United States from Italy, Hungary and Poland. Two-thirds of them have settled in the four States of New York, Pennsylvania, Illinois and Massachusetts, one-third being in New York alone and chiefly in New York City. The remainder have gone to the large cities and mining districts in the West. The Roman Catholic element in our population increases in a much higher ratio

than our entire population. Seven-eighths of the church-members in New Mexico, three-fourths of those in Rhode Island, and two-thirds in New York, California, Louisiana, New Jersey and New England, and a very large number in most of the other States, are Roman Catholics.

An immense and growing per cent. of these Catholic immigrants are crowding into our great cities, where they gather in groups or colonies and continue to speak the language of their nativity and to send their children to the parochial schools conducted or supervised by the priests, who shape and dictate the social, political and religious thought and habits of the parish. A million foreign-born people and two millions more born of alien parentage, virtually all Roman Catholics, are now in New York City. Three-fourths of the religious population of New York City, Chicago, New Orleans, Boston, St. Louis, San Francisco, St. Paul

and Providence is Roman Catholic; and the ratio in most of the other large cities is alarmingly high.

No wonder politics in our big cities is deplorably corrupt. Not all the Catholic immigrants take out naturalization papers and become voters, but a very great number do. Politicians who do the bidding of the Roman Catholic political machine are everywhere diligent in procuring naturalization and the ballot for these foreigners, 60 per cent. of whom can neither read nor write in any language.

A hundred Congressmen elected from the great cities vote as a unit with the other Roman Catholic members for all measures to promote the political designs of Rome. From the ambassadors who represent the American nation at foreign capitals down to the police departments in our municipalities, Catholics hold three-fourths of the offices of profit and power.

In view of the withering grip of the



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Roman power on our politics, and in view of the appalling extent to which illiterate and degraded Catholics are pouring into the United States and being naturalized for the purpose of tightening that grip with their ballots, it is of vital importance to the American people to inquire whether these aliens, holding supreme allegiance to the Pope as sovereign pontiff of the Catholic world, have any right to naturalization under the Constitution and laws of the Republic. Such right has often been questioned or denied in patriotic press and literature, but the Catholics continue to be naturalized in great and increasing numbers, and their right to do so has never been adjudicated in our courts.

It is the purpose, therefore, of this brief to present the issue to the sovereign people, who are the fountain-head of all our constitutional law and judicial authority.

## II.

### OUR NATURALIZATION LAW

1. *Congress Has Exclusive Control.*—  
The Constitution of the United States, and the laws and treaties made pursuant to its provisions, are the supreme law of the land. So declares the Constitution itself in its sixth article. That Constitution vests in Congress exclusive power to establish a uniform rule of naturalization throughout the United States. Section 8 of Article I. of our Constitution contains the following clause:

“The Congress shall have power to establish an uniform rule of naturalization throughout the United States.”

Prior to the adoption of the Constitution, each of the States regulated the naturalization of aliens within its own borders. The diversity of laws and pro-

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visions thus enacted in the different States gave rise to much friction and endless confusion touching this important matter. To relieve that unfortunate condition and to promote concord and tranquility among the States, the authors of the Constitution took the whole subject away from the States and provided for a uniform rule to be established by Congress.

Under the authority thus conferred, Congress enacted a naturalization law in the year 1790. The Supreme Court of the United States, in an opinion written by Chief-Justice Marshall in the case of *Chirac vs. Chirac*, and in numerous other cases, has decided that the power given to Congress by the foregoing clause of the Constitution is exclusive, especially after Congress appropriated the power by enacting a statute covering the subject. The following federal court decisions declare that Congress is clothed with exclusive

power over the subject of naturalization:

Chirac vs. Chirac, 2 Wheaton 261.

U. S. vs. Rhodes, 1 Abbott 45.

Golden vs. Prince, 3 Washington 313.

Day vs. Buffington, 3 Clifford 386.

Matthew vs. Rae, 3 Cranch (C. C.)  
699.

Scott vs. Sandford, 19 Howard 393.

Thurlow vs. Massachusetts, 5 Howard  
504.

Smith vs. Turner, 7 Howard 283.

Houston vs. Moore, 5 Wheaton 49.

Ex parte Clark, 100 U. S. 412.

*2. Must Renounce Allegiance to All Foreign Potentates in Three Separate Oaths.*—The Statute: From time to time Congress has changed and amended our naturalization law. In the year 1906 an elaborate statute was enacted which, with minor amendments since made, covers the whole subject. In connection with such previous enactments or parts thereof as remain in force, this statute provides the

only method or authority by which any alien can become a citizen of the United States. The following excerpts from that statute give the conditions which the law requires at the hands of those who seek to become naturalized, so far as those conditions affect the purposes of this brief:

That an alien may be admitted to become a citizen of the United States in the following manner, and not otherwise:

First—He shall declare *on oath* before the clerk of any court authorized by this act to naturalize aliens, or his authorized deputy, in the district in which such alien resides, two years at least prior to his admission, and after he has reached the age of eighteen years, that it is *bona fide* his intention to become a citizen of the United States, AND TO RENOUNCE FOREVER ALL ALLEGIANCE AND FIDELITY TO ANY FOREIGN PRINCE, POTENTATE, STATE OR SOVEREIGNTY, AND PARTICULARLY, BY NAME, TO THE PRINCE, POTENTATE, STATE OR SOVEREIGNTY OF WHICH THE ALIEN MAY AT THE TIME BE A CITIZEN OR SUBJECT. . . .

Second—Not less than two years nor more than seven years after he has made such declaration of intention he shall make and file, in duplicate, a petition in writing, signed by the applicant in his own handwriting and *duly verified*, . . .

The petition shall set forth that he is not a disbeliever in or opposed to organized government, or a member of or affiliated with any organization or body of persons teaching disbelief in or opposed to organized government, a polygamist or a believer in the practice of polygamy, and that it is his intention to become a citizen of the United States and to RENOUNCE ABSOLUTELY AND FOREVER ALL ALLEGIANCE AND FIDELITY TO ANY FOREIGN PRINCE, POTENTATE, STATE OR SOVEREIGNTY OF WHICH HE AT THE TIME OF FILING HIS PETITION MAY BE A CITIZEN OR SUBJECT. . . .

Third—He shall, before being admitted to citizenship, declare *on oath* in open court that he will support the Constitution of the United States, and THAT HE ABSOLUTELY AND ENTIRELY RENOUNCES AND ABJURES ALL ALLEGIANCE AND FIDELITY TO

ANY FOREIGN PRINCE, POTENTATE, STATE OR SOVEREIGNTY, AND PARTICULARLY, BY NAME, TO THE PRINCE, POTENTATE, STATE OR SOVEREIGNTY OF WHICH HE WAS A CITIZEN OR SUBJECT; and that he will support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same. . . .

3. *The Issue.*—If Pope is Potentate, Catholics Can Not Become Citizens.—Under the foregoing statute, which is the only naturalization law we have, no alien can become a citizen of the United States without three times renouncing, ON OATH, all allegiance and fidelity to any foreign prince, potentate, state or sovereignty whatever, and especially, by name, to the prince, potentate, state or sovereignty of which he is or has been a citizen or subject. Millions of Roman Catholics have taken this oath and are now voting in all our general elections.

Is the Pope a prince or potentate within the meaning of this law? If he is, then can a Roman Catholic honestly subscribe, and should he be permitted to subscribe, to the foregoing oath, while retaining membership in the vast Roman Catholic politico-ecclesiastic organization, and thus of necessity continuing his fealty and devotion to the Pope as the sovereign and supreme pontiff and ruler of that organization?

If the Pope is not a prince, potentate or sovereign within the spirit and meaning of our naturalization statute, then Roman Catholics may honestly take the oath of allegiance to the United States. But if he is such potentate or sovereign, no one, while holding allegiance to him, can lawfully become or remain an American citizen. This whole inquiry, then, turns on the question whether or not the Pope is a prince or sovereign.



### III.

#### THE POPE IS A SOVEREIGN

1. *Distinction Between Religion and Politics.*—It will now be shown that the Pope is a prince and sovereign. But at its very threshold this investigation will be confronted with the charge of interfering with the religious liberty established by the Constitution of the United States. The third clause of Article VI. of the Constitution provides that no religious test shall ever be required as a qualification to any office; and the first amendment to that document forbids Congress to make any law respecting an establishment of religion or prohibiting the free exercise thereof.

Whatever difficulty may arise in meeting the foregoing charge springs from the dual capacity in which the Pope, with the

entire papal system, stands before the world. Every inquiry into the *civil* status and activities of the papacy is met by the complaint that the Pope is a *religious* functionary and that the inquiry is interfering with the Catholic *religion*. Under the pretext of *worshipping God*, the Pope and his adherents are primarily occupied with *politics*. No subterfuge has served the papal machine better than this clever vacillation between politics and religion. Any exposure of their *political* intrigues and villainy wrings from the Romanists a wail about *freedom of conscience*.

For instance, House of the Good Shepherd is a name which they use everywhere to give the appearance of Christlike benevolence to their prisons wherein young girls are incarcerated without trial, under conditions of servitude and degradation that drive many of the girls to sacrifice their lives in the effort to

escape. Every demand that these institutions of mystery and horror be opened to public inspection is branded by Roman Catholic pulpit and press as unwarranted meddling with the Catholic *religion*.

When attention is called to the fact that Catholics have contrived to secure and hold three-fourths of the lucrative offices in our large cities, including the teachers in the public schools, objection is made that we are seeking to curb the *religious freedom* of the Catholic Church. The papal outfit must not be invited to remove its front feet from the public trough for fear of wounding its *conscience*.

When the papacy maintains a cabinet of state, sends and receives ambassadors, makes treaties, controls public elections, packs committees of political parties, muzzles the press and assassinates public speakers, its activities are purely *political*—or *criminal*—certainly not *religious*.

Let the distinction between religion and politics be kept clearly in view while the *civil* status of the Pope as a *sovereign potentate* is being considered in the following pages.

2. *The Pope Supreme Overlord and Sovereign of Papal States.*—During the Middle Ages, when the feudal system obtained so extensively in Europe, the Pope claimed supreme power as suzerain over all emperors, kings and sovereignties throughout the world; and many proud monarchs acknowledged this arrogant claim by bowing in humble submission to the Popes as their overlords. The papacy then claimed and exercised the civil power to crown and uncrown all civil potentates at will.

The Middle Ages produced no more powerful and renowned monarchs than Pepin and Charlemagne, both of whom received their crowns from papal hands in return for political and military favors

rendered to the Popes. Pepin expressed his obligation to the Pope for the crown of the Franks by driving the Lombards from northern Italy and giving their dominions in that peninsula to the Popes, who as sovereign monarchs ruled the territory thus acquired more than a thousand years. For similar services rendered towards the end of the eighth century, Pope Leo III. crowned Charlemagne on the last Christmas of that century as Emperor of the Romans and successor of Cæsar and Constantine. Aside from his claim to civil superiority to all other potentates, there can be no question that the Pope as ruler of the Papal States was as truly a sovereign as any crowned head in Europe. All secular historians so declare.

3. *The Pope Loses Papal States, but Still Sovereign.*—On September 20, 1870, the Pope was shorn of his territorial dominions by the Italian soldiery of King

Victor Emmanuel, but he still claims to be the rightful ruler of the Papal States and continues to exercise all the essential prerogatives of a privileged and pre-eminent sovereign. Prof. P. V. N. Myers, whose historical writings are so extensively used as text-books in the high schools and colleges of this country, gives, at pages 630 and 631 of his "Mediæval and Modern History," the following statement of the facts attending the territorial dispossession of the Pope:

"The occupation of Rome by the Italian Government marked the end of the temporal power of the Pope, and the end of an ecclesiastical state, the last in Europe, which from long before Charlemagne had held a place among the temporal powers of Europe, and during all that period had been a potent factor in the political affairs not only of Italy, but of almost the whole Continent. The papal troops, with the exception of a few guardsmen, were disbanded. The Vatican palace and some other buildings, with their grounds, were reserved to the Pope

as a place of residence, together with a yearly allowance of over \$6,000,000. By a statute known as the Law of Papal Guarantees (1871), the Pope was secured in the exercise of his spiritual functions.

"These arrangements have subsisted down to the present time. Under them the Pope is not to be regarded as a subject of the Italian Government, but rather as **A SOVEREIGN RESIDING AT ROME**. Like a sovereign, he has the right to send and receive embassies. His person is inviolable. No Italian officer may enter the Vatican or its grounds, which the Italian Government respects as though they were foreign territory. The Popes have steadily refused to recognize the legitimacy of the act whereby they were deprived of the temporal government of Rome and the Papal States, and have protested against it by refraining from setting foot outside the gardens of the Vatican, and by refusing to accept the annuity provided for them, and in various other ways.

"The partisans of the papacy maintain that the act of dispossession was an act of impious spoliation, and that **THERE CAN BE NO SETTLEMENT OF THE ROMAN QUESTION SAVE**

THROUGH THE RESTORATION OF THE POPE TO HIS FORMER STATUS AS AN INDEPENDENT TEMPORAL SOVEREIGN."

In this connection, the author inserts the following marginal note on page 630 of the work just quoted:

"It is a matter worthy of note that just a few months before the loss of his temporal sovereignty a great ecumenical council of the Catholic Church (the Vatican Council of 1869-70) had by a solemn vote proclaimed the doctrine of papal infallibility, which declares the decisions of the Pope, when speaking *ex cathedra*, 'on questions of faith and morals,' to be infallible."

Prof. James Harvey Robinson, of Columbia University, in his "History of Western Europe," at page 667, relates the same facts in the following words:

"In August, 1870, the reverses of war compelled Napoleon to recall the French garrison from Rome, and the Pope made little effort to defend his capital against the Italian army, which occupied it in



September. The people of Rome voted by an overwhelming majority to join the kingdom of Italy; and the work of Victor Emmanuel and Cavour was consummated by transferring the capital to the Eternal City.

“Although the papal possessions were declared a part of the kingdom of Italy, a law was passed which guaranteed to the POPE THE RANK AND PRIVILEGES OF A SOVEREIGN PRINCE. He was to have his own ambassadors and court like the other European powers. No officer of the Italian Government was to enter the Lateran or Vatican palaces upon any official mission. . . . The Pope, however, refused to recognize the arrangement. He still regards himself as a prisoner, and the Italian Government as a usurper who has robbed him of his possessions. He has never accepted the income assigned to him, and still maintains that the independence which he formerly enjoyed as ruler of the Papal States is essential to the best interests of the head of a great international church.”

All standard historical authorities that have touched on this subject, as well as

the original records and statutes, might be cited to the same effect. The unanimous testimony of history establishes the following facts:

a. Prior to September 20, 1870, the Pope was the unchallenged monarch of the Papal States, including the city of Rome.

b. On that date he was dispossessed of these territorial dominions by the military forces of the King of Italy.

c. He is not regarded in Italy or elsewhere as a citizen or subject of the Italian Government, but as a *sovereign prince* residing at Rome.

d. He and his partisans and subjects regard his territorial dispossession as lawless, and *declare that the sovereignty of Rome and the Papal States is rightfully his and must be restored to him.*

4. *The Pope Recognized as "PRIVILEGED" Sovereign, Says Assistant Secretary of State.*—John Bassett Moore,

professor of international law in Columbia University, was for many years Assistant Secretary of State of the United States, being retained in that position because of his eminent skill and attainments in the law of nations. Pursuant to an act of Congress, he compiled in 1906 an International Law Digest which was published in eight large volumes by the Government of the United States. As a monument of learning and research this great work has no rival in the field of which it treats. On page 16 of Volume I., this work cites with approval the French treatise on the law of nations published in Paris in 1896 by Alphonse Rivier as authority for the following statement that the Pope is a privileged sovereign:

“The Holy See occupies a position analogous to that of states, and THE POPE IS TREATED AS A SOVEREIGN, AND EVEN AS A PRIVILEGED SOVEREIGN.”

The sovereignty of the Pope is further demonstrated by the fact that virtually all the governments of the world, including our own, receive and recognize his ambassadors and other diplomatic representatives, and most of the governments maintain diplomatic agents at the Vatican. On June 4, 1875, Hamilton Fish, as Secretary of State, answering certain inquiries submitted to him by Caleb Cushing, American Minister to Spain, used the following official language:

“While the probabilities seem to be almost entirely against the possibility of the restoration of any temporal power to the Pope, HE IS STILL RECOGNIZED AS A SOVEREIGN by many of the powers of the world, which receive from him diplomatic representatives in the person of either a nuncio or a legate, or possibly in some other capacity, and which powers also accredit to him certain diplomatic representatives.”—*Moore's International Law Digest*, Vol. I., p. 39.

At the time when our Secretary of

State thus declared in an official utterance that many powers recognize the Pope as a sovereign, the United States was not one of those powers. We did not then maintain a diplomatic representative at the Vatican, nor did we receive such a representative from the Holy See. But in 1893 the President of the United States received and recognized Monsignor Satolli as papal legate to our Government, since which time the Pope has continued to maintain a diplomatic delegation at Washington. By so receiving his envoy of highest rank, the American Government has joined the other powers in recognizing the Pope as a sovereign entitled as such to a place in the political counsels of the world.

5. *The Pope's Diplomats Outrank all Others.*—Not only do the powers receive diplomatic representatives of the Pope and thus accord to him a place in the family of sovereign states, but his legates and

nuncios outrank the highest diplomatic agents of all other nations. On March 21, 1848, Senator Cass said in the course of a debate in the United States Senate:

"In Europe, by universal consent, the POPE'S LEGATE TAKES PRECEDENCE OF ANY MEMBER OF THE SAME GRADE IN THE DIPLOMATIC CORPS."—*Moore's International Law Digest*, Vol. IV., p. 735.

On February 20, 1897, Richard Olney, as Secretary of State, declared officially that

"THE PRECEDENCE OF THE PAPAL REPRESENTATIVE AS DEAN OF THE DIPLOMATIC CORPS is a personal courtesy paid to his sacred calling, and is incapable of delegation."—*Id.*, p. 736.

Touching the classification and rank of diplomatic representatives, the Department of State at Washington, in its official "Instructions to Diplomatic Officers of the United States" in 1897, announced

the adoption by our Government of the rules formulated in 1815 by the Congress of Vienna, whereby papal legates and nuncios are classed with ambassadors in the highest grade of diplomats.—*Moore's International Law Digest*, Vol. IV., p. 430; *American and English Encyclopædia of Law*, Vol. XX., p. 794.

From the foregoing citations it appears that the Pope holds himself out to the world as a sovereign and IS ACCEPTED AS A PRE-EMINENT AND PRIVILEGED SOVEREIGN AND TREATED AS SUCH BY THE GREAT POWERS, INCLUDING THE UNITED STATES; that he is expressly declared to be such by the law of Italy; and that his diplomatic representatives are placed in the highest class with the ambassadors of other nations and are given precedence of all others in that class, so that the papal nuncio or legate is dean of the diplomatic corps at every

capital in the world, including our own.

Before passing from the consideration of the Pope's envoys, it is proper to remark that ambassadors and public ministers, and all other diplomatic officers, are exclusively the envoys of the sovereign nations by whom they are commissioned. Each delivers his credentials with impressive solemnity to the executive head of the nation to which he is accredited or to the legally authorized representative. *They are distinctively officers of state, not of religion.* On September 25, 1862, Secretary of State Seward, in official instructions to Mr. Blatchford, American envoy, used the following words touching the political agitation of which the Pope was then the center:

“That duty is to forbear altogether from taking any part in the controversy. The reasons for this forbearance are three: First, that *so far as spiritual or ecclesiastical matters enter into the question they are beyond your province,* FOR



YOU ARE A POLITICAL REPRESENTATIVE ONLY.”—*Moore’s International Law Digest*, Vol. VI., pp. 21 and 22.

Volume XX. of the “American and English Encyclopædia of Law,” at page 20, gives the following definition from Bouvier’s “Law Dictionary”:

“An ambassador is a minister sent abroad by some foreign *state* or *prince*, with legal commission and authority to transact business *on behalf of his country* with the *government* to which he is sent.”

6. *The Pope Makes Treaties.*—Still further proof of the sovereignty claimed by the Pope and conceded to him by the other powers is afforded in the treaties which he makes. It is elementary that the making of treaties is strictly a function of sovereign power, and states not possessing the attributes of sovereignty can not enter into valid conventions with other states. The Supreme Court of the United States has quite recently ap-

proved the following pertinent definition.

*"Treaties are contracts between NATIONS."*—Rainey vs. U. S., 232 U. S. 310.

The "American and English Encyclopædia of Law," Vol. XXVIII., at page 476, says:

*"A treaty is a contract between two or more SOVEREIGNS. . . . As a general rule, every sovereign state whose powers have not been limited or modified by compacts with other states has the power to make treaties."*

For reasons best known to himself, the Pope calls the conventions or agreements which he enters into with the other powers by the Latin name of *concordats* instead of treaties; but that does not affect their substance, since they have all the solemnity and characteristics of international treaties. For reasons that seem equally sinister and mysterious, he calls his diplomatic representatives legates or nuncios, but the Congresses of Vienna

and Aix-la-Chapelle place them in the same grade with ambassadors of other sovereigns and accord to them the highest rank in the diplomatic service. Moore's "International Law Digest," Vol. I., p. 39, again cites with approval Rivier's treatise in support of the following statement:

"The Pope, though deprived of the territorial dominion which he formerly enjoyed, holds as *sovereign pontiff and head of the Roman Catholic Church*, an exceptional position. Though, in default of territory, he is not a temporal sovereign, he is in many respects treated as such. He has the right of active and passive legation, and his envoys of the first class, *his apostolic nuncios, are specially privileged*. Nevertheless, he does not make war, and the conventions which he concludes with states are not called treaties, but concordats. His relations with the kingdom of Italy are governed, unilaterally, by the Italian law of May 13, 1871, called 'the law of guarantees,' against which Pius IX. and Leo XIII. have not ceased to protest."

It is true the Pope is not now permitted to keep military forces and make war directly, but history is full of the intrigues and persecutions with which he has convulsed the world in its bloodiest wars. During the most gigantic and sanguinary of all wars, that war which began in 1914 and quickly involved nearly all Europe, the press has been permitted to make known significantly frequent and mysterious secret missions between the Vatican and the Roman Catholic Emperor of Austria-Hungary, who took the first hostile steps that actually precipitated the cataclysm.

## IV.

### AS SOVEREIGN PONTIFF THE POPE ENJOYS THE FEALTY OF ALL CATHOLICS

#### 1. *All Roman Catholics His Subjects.*

—The civil status of the Pope as a sovereign prince during the thousand years and more that he reigned over the Papal States seems to be unquestioned, and the authorities are almost equally positive and harmonious in declaring that he is still a sovereign. One of the historians hereinbefore quoted states that he is “a sovereign residing at Rome,” and the other says he is “a sovereign prince”; while the “International Law Digest” published by our Government says “the Pope is treated as a sovereign, and even as a privileged sovereign”; and our Department of State has declared officially that “he is still

recognized as a sovereign." Add to these positive declarations, in which all authorities concur, the fact that he sends and receives ambassadors and makes treaties, all of which are functions exclusively of sovereignty, and no doubt can remain that he claims all the attributes of sovereign power, and that his claim is freely conceded by the other governments, including our own. The very fact that writers on international law declare his position so exceptional that they are unable clearly to define it attests the duplicity which the Pope is practicing in world politics.

But who are now his subjects? While he ruled the Papal States it might be said with some plausibility that none but inhabitants of those states were bound to him by obligations of fealty. But since he is still a sovereign though stripped of his domain, his subjects can not be restricted to any territorial limits, but must embrace all those everywhere who acknowledge

his sovereign authority. Let it be remembered that we are now considering the Pope purely as a SOVEREIGN and not as a bishop. In the capacity of a bishop he may claim the *spiritual* fealty of all Roman Catholics, but AS A SOVEREIGN HE IS ENTITLED TO THEIR CIVIL AND POLITICAL FEALTY. But since he is shown to be a *sovereign* by reason solely of his position as head of the Roman Catholic Church, then *he must be* THE SOVEREIGN OF THAT CHURCH, INCLUDING ALL ITS MEMBERS, who in turn are his subjects by reason of their membership therein; and they as such members can not withhold from him the CIVIL AND POLITICAL FEALTY due from *subject to sovereign* so long as they remain members of the organization of which he is sovereign. The fealty due and rendered to a SOVEREIGN is never *spiritual*, but always CIVIL AND POLITI-

CAL. This distinction is of vital importance.

2. *Catholic Fealty to the Pope a Legal Bar to Citizenship.*—There is no essential difference—there can be none—between the fealty of a Russian to the Czar or a German to the Kaiser and that of a Roman Catholic to his sovereign, the Pope. But no Russian can become an American citizen without abjuring forever and absolutely his allegiance to all foreign potentates and sovereigns, and especially to the Czar of Russia, his former sovereign. Neither can a German become an American citizen without taking the same oath and specially designating the Kaiser, his former sovereign. Why, then, should a Roman Catholic be permitted to become an American citizen without making the same oath and particularly specifying therein the Pope, his former sovereign? If this clear logic does not please the sovereign of the Roman Catholic



Church and his subjects, let him get out of the game of politics and cease to play the role of a sovereign prince.

The manifest purpose and spirit of our naturalization law, and of all citizenship and the fealty incident thereto, is that no citizen of the United States shall hold any allegiance or cherish any ties or obligations to any foreign power or government whose interests or purposes might be at variance or come into conflict with those of our country. In the vast complexity of world politics the duty and honor of every nation require it to shield and vindicate the rights of all its citizens against every wrong-doer, foreign or domestic, regardless of the cost in blood and treasure; and for the discharge of this exalted obligation, every government is entitled to the steadfast and undivided allegiance of all its citizens, even to the sacrifice, when necessary, of life and liberty. So long, therefore, as the Pope

plays world politics in the role of a privileged sovereign, with subjects scattered in every land and under every flag and everywhere busy in promoting the political purposes of the papacy, every Roman Catholic is bound to his SOVEREIGN PONTIFF, and the vast organization of which that pontiff is the political head by ties which clearly preclude the possibility of true and undivided allegiance to the Government of the United States.















